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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,¹

USA SECURITIES, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
NINTH OMNIBUS OBJECTION OF
USACM TRUST TO PROOFS OF
CLAIM BASED UPON
INVESTMENT IN THE ONE POINT
STREET, LLC – HFA NORTH
YONKERS LOAN; AND
CERTIFICATE OF SERVICE**

Date of Hearing: July 24, 2008
Time of Hearing: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE ONE
POINT STREET, LLC – HFA NORTH YONKERS LOAN BECAUSE THE**

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 USACM TRUST CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR
2 YOUR INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT
3 IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN
4 INVESTMENT IN A DIFFERENT LOAN.

5 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
6 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
7 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
8 SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING
9 GROUP, LLC ((602) 424-7009) OR THE UNDERSIGNED COUNSEL.

10 NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust has filed its
11 Ninth Omnibus Objection to Proofs of Claim Based Upon Investment in the One Point
12 Street, LLC – HFA North Yonkers Loan (the “Objection”). Your Proof of Claim number
13 and other information regarding your claim is provided in **Exhibit A**, attached. The
14 USACM Liquidating Trust has requested that this Court enter an order, pursuant to
15 Bankruptcy Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to
16 the extent it is based upon an investment in the One Point Street, LLC – HFA North
17 Yonkers Loan. The Objection will not impact your Claim to the extent it is based upon an
18 investment in a different loan.

19 NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held
20 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
21 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
22 **July 24, 2008, at the hour of 9:30 a.m.**

23 NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON JULY 24,
24 2008, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND
25 SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE
26 HEARD ON THAT DATE.

by July 17, 2008 pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

sent you this notice.

written response on the person who sent you this notice, then:

- calling the matter at the hearing.

Dated: June 12, 2008.

LEWIS AND ROCA LLP

By /s/ Rob Charles (#6593)

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Rob Charles, NV 6593

John C. Hinderaker, AZ 18024 (*pro hac vice*)

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Attorneys for the USACM Liquidating Trust

June 12, 2008 to:

Parties listed on Exhibit A attached.

s/Renee L. Creswell

Renee L. Creswell

Lewis and Roca LLP